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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,228	10/24/2003	Michael Shappell	30835/306083	2294
45373 7590 12/11/2007 MARSHALL, GERSTEIN & BORUN LLP (MICROSOFT) 233 SOUTH WACKER DRIVE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER SONG, DAEHO D	
			ART UNIT 2176	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,228

Applicant(s)

SHAPPELL ET AL.

Examiner

Daeho D. Song

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/24/05; 4/11/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the initial Office Action based on the application number 10693228, filed October 24, 2003. Claims 1-20, as originally filed, are currently pending and have been considered below. Claims 1, 15, and 17 are the independent claims.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-16 are rejected because the claimed invention is directed to non-statutory subject matter. The claim limitation recites "a graphical user interface" in the preambles of claims 1 and 15, and it lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category.

Claims 2-14 and 16 depend upon Claims 1 and 15, respectively, and merely recite additional features of the software modules.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5-8 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pearson (U.S. Patent Application Pub. No. 2003/0028610).

Pearson teaches:

Claim 1. A graphical user interface associated with a group interaction application for facilitating file sharing among a first member of a group and at least one other member of the group over a network, comprising:

a group space comprising a first display area for providing an appearance of a shared file location in which at least one of the other group members may access (fig. 9; [0051]:

a shared files pane/a first display area that presents a shared file in which another group member may access); and

at least one control located in a second display area selectable by the first user for selecting at least one task associated with the group space and to activate certain

operations with respect to files located in the first display area, such that at least one

other group members is automatically shown the result of the operations performed with respect to the files displayed in the first display area (fig. 9.; [0008][0011][0051]: a treeview control pane/a second display area in which a task is selectable with respect to files and activated with an operation, and the first host computer generates a list of other host computers, which correspond to a list of group members where a user-selected file is stored).

Claim 2. The invention as in claim 1, wherein the network is a peer-to-peer network ([0027]: the peer-to-peer network).

Claim 5. The invention as in claim 1, wherein the group space is comprised of a subfolder that is displayed in a folder view (fig. 9.: the folder named "Arrivals" is a subfolder which is displayed within the folder of "OthNet").

Claim 6. The invention as in claim 1, wherein the first user may perform file system operations with respect to files in the shared space on the basis of permissions being granted to the first user ([0045]: "permission to share" is required by the file sharing administrator/the first user).

Claim 7. The invention as in claim 1, wherein said group space is assigned a unique identifier that is made available to the at least one other member ([0045]: generating a

unique identifier for use by the host computers/group members of the file-sharing system).

Claim 8. The invention as in claim 7, wherein each of the group members having access to said group space is assigned a unique identifier that is made available to the other group members ([0045]: a unique identifier in identifying files to be shared among the host computers/group members).

Claim 10. The invention as in claim 1 further comprising a second control located in the second display area, the second control selectable by the first user for adding at least one additional group member ([0028]: adding a new host computer/new member to the host list).

Claim 11. The invention as in claim 1, wherein the appearance of the first group space may be altered by the first user, and wherein the group interaction program further comprises means for causing the appearance of a corresponding group space displayed to the at least one other group member to also be altered consistent with the alteration of the first group space ([0065]: alterations on the files displayed with checked checkboxes on the user's host computer/the first user for sharing are consistent with the alterations of other host computers).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 9, 12-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson, in view of Markki et al. (hereinafter Markki): US Patent Application Pub. No. 2004/0243672.

In regards to claims 3,4,9 and 12-14, Pearson discloses all the limitations of claim 1. Pearson, however, does not specifically teach the specified operations in a peer-to-peer environment. Markki teaches the specified operations in a peer-to-peer environment, and specific disclosures of particular claims are as following:

Markki teaches:

Claim 3. The invention as in claim 1, wherein the at least one task comprises a first computer file system task usable to perform a drag and drop operation with respect to files located in the first display area ([0107]: performing a drag and drop operation with respect to files in a GUI window).

Claim 4. The invention as in claim 1, wherein the at least one task comprises a first computer file system task usable to perform at least one of a copy, cut, paste or edit operation with respect to files located in the first display area ([0093]: performing a copy operation with respect to files in a GUI window).

Claim 9. The invention as in claim 1 further comprising a second control located in the second display area, the second control including a drop-down menu selectable by the first user for defining one of a plurality of roles for the at least one other group member ([0192]: setting a group-specific metadata, such as a specific role for a group member).

Claim 12. The invention as in claim 1, further comprising a file drop target for receiving an indication of a file dropped by the first user whereby a notification corresponding to the indication is automatically transmitted to the at least one other online group member ([0089]: receiving status sends a notification of completion of network operations).

Claim 13. The invention as in claim 1, further comprising a selectable indicator for visually presenting a group list to the first user, the group list including an indication field of a role for each of the members in the list a plurality of icons, each icon representing a group to which the first user belongs ([0073][0192]: presenting a group listing including specified metadata for group members, such as role for each member).

Claim 14. The invention as in claim 13, wherein the list of group members includes

indicia concerning connection by each group members to the network ([0073]: group members are interrelated among each other).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the disclosure of Pearson with the teachings of Markki to provide the specified operations in a peer-to-peer environment, for the purpose of provision of various services such as sharing files in a peer-to-peer environment (see [0025]).

In regards to Claims 17-20, Pearson does not expressly disclose a method of forming a group interaction among group members. Markki, however, teaches a method of forming a group interaction among group members, and specific disclosures of particular claims are as following:

Markki teaches:

Claim 17. A method of forming a group space to enable interaction between a first user and at least one other user over a network comprising:

displaying to the first user via a first user display a group folder object having associated therewith a first selectable task for forming a group comprising the first user and at least one other user (fig. 8; [0196]: displaying a group folder having associated selectable tasks for forming a group comprising the first user and another user);

transmitting from the first user a request to join the group by sending a communication over the network to a computing device used by the at least one other user to initiate a group communication session between the first user and the at least one other user ([0050]: invitation to join the group by sending a message from a first user to another member); and

receiving a response to the invitation request by receipt of a unique numeric identifier associated with the at least one other user ([0043]: receiving a unique identifier associated with the group member).

Claim 18. The method according to claim 17, further comprising presenting a group space to the first user in response to receipt of the selection of the task, wherein the group space is uniquely associated with the first group (fig. 8; [0196]: displaying a group space associated with the first group to the first user).

Claim 19. The method according to claim 18, wherein the group space includes a second selectable group icon associated with a list of members comprising the first user and at least one other user who is a member of the group ([0073]: listing of the group members including the first user and other members).

Claim 20. The method according to claim 19, wherein the network comprises a peer-to-peer network ([0025]: a peer-to-peer network environment).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the disclosure of Pearson with the teachings of Markki to provide a method of forming a group interaction among group members, for the purpose of provision of various services such as sharing files in a peer-to-peer environment (see [0025]).

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson, in view of Zaner et al. (hereinafter Zaner): US Patent Application Pub. No. 2004/0041836.

Pearson does not expressly teach a graphical user interface for facilitating an online group interaction over a computer network. Zaner, however, teaches a graphical user interface for facilitating an online group interaction over a computer network, and specific disclosures of particular claims are as following:

Zaner teaches:

Claim 15. A graphical user interface for facilitating an online group interaction among a first online member of a group and at least one other online member of the group over a computer network comprising:

a first shared space display area that acts as a drop target for at least one file icon, which upon dropping also becomes visible to the at least one other online member of the group, and wherein a shared file associated with the at least one dropped file icon

may be retrieved by selecting the associated icon (fig. 10; [0071]: the corkboard/a first shared space acts as a drop target, accepting dragged and dropped files); and at least one visible task item selectable by the first user to activate an operation to be performed with respect to the first shared space display area (fig. 10: a visible task item is selectable by the first user for an operation to be performed).

Claim 16. The invention as in claim 15, wherein the computer network comprises a peer-to-peer network ([0009]: a peer-to-peer network environment).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the disclosure of Pearson with the teachings of Zaner to provide a graphical user interface for facilitating an online group interaction over a computer network, for the purpose of provision of a clear sense of which of user's group members are online and available for interactions (see [0007]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daeho D. Song whose telephone number is 5712727524. The examiner can normally be reached on Mon-Fri 7:30-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 5712724137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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12/4/07

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